

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY BIGGS-LEAVY

Plaintiff Honorable Sean F. Cox
v. Magistrate Judge Kimberly G. Altman
LADEL LEWIS, in her official and Case No. 4:23-cv-12123-SFC-KGA
Individual capacities
Defendant

**DEFENDANT'S RESPONSE TO "PLAINTIFF'S RESPONSE TO THE
COURT'S ORDER TO SHOW CAUSE" [Dot 14]**

Defendant Ladle Lewis, through her attorneys, Butzel Long, submits this Response to "Plaintiff's Response to the Court's Order To Show Cause."

BRIEF IN SUPPORT OF DEFENDANT'S RESPONSE

Defendant did not originally intend to file a response to this Court's December 18, 2023 Show Cause Order (Dkt. 13), recognizing that the question is entirely in the Court's discretion. However, at 4:35 pm on December 26, Defendant received Plaintiff's Response and immediately concluded that it had a duty to the Court to bring the below facts to the Court's attention, because it was immediately clear that Plaintiff's Response was at best reckless and plausibly worse than reckless.

Specifically, Plaintiff's Response says, in substance, that two of her three attorneys, John A. Fernandez and Lawrence Katz did not receive the ECF Notification of this Court's November 15, 2023 Order (Dkt. 12) directing Plaintiff to either respond to Defendant's Motion to Dismiss or to file an Amended Complaint within 21 days. See Dkt 14-2 and 14-3. Plaintiff's third attorney, Joseph Cannizzo says, in substance, that he "suspect[s]" that he confused this case with another similar case the Lento Law Firm has filed against Defendant, *Kamryn Randle v. Ladel Lewis, et al.*, Case No. 2:23-cv-11370-MAG-CI (the "Randle Lawsuit"), and somehow lost track of the need to respond to Defendant's Motion in the present case. See Dkt. 14-1, ¶¶ 5-6.

Apparently Plaintiff's counsel also lost track of the fact that in the Randle Lawsuit they also missed a filing deadline for responding tot the Randle Defendants' motion to dismiss and then, on October 10, 2023, filed an untimely request for extension of time. (Randle Dkt 26), In support of that motion, each of the three attorneys "certified" to Judge Goldsmith that they never received the ECF notices. (Randle Dkt, 26-1, ¶¶3-5; Dkt. 26-2, ¶¶ 3-8; Dkt 26-3, ¶¶ 3-7). (For clarity, Mr. Cannizzo told the Court that he later discovered the ECF notification in his spam folder (Dkt. 26.3, ¶6).

Viewing these facts most charitably to Plaintiff's Counsel (and this Court need not view these facts charitably), all three counsel knew that they were not receiving ECF notifications in a closely related case, but did nothing to protect themselves from further mishaps.

Dated: December 26, 2023

BUTZEL LONG, PC
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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2023, I electronically filed the above document with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

BUTZEL LONG, PC

By: /s/ Frederick A. Berg

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